

EXHIBIT 5

DATE: September 28, 2003.

TIME: 4:05 a.m.

PLACE: Area B2, Detective Room.

PARTICIPANTS:

Detective O'Brien

Officer Steve Canto

Sergeant Gerard Bailey

Officer John Harbor

Andrea Walker

DET. O'BRIEN: It's 4:05 a.m. September 28, 2003. We're in the Boston Police Department Area B2 Detective's office. We're going to speak to one Andrea Walker of 18 Baker Ave. Dorchester concerning what happened tonight with Earl Charley, Anthony Charley and the reason she's here tonight.

Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in a court of law or other proceedings.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him or her with you during questioning. If you cannot afford a lawyer and want one, a lawyer will be

Case 1:03-cr-10387-DPW Document 21-8 Filed 07/07/2004 Page 3 of 14
provided for you by the Commonwealth without cost
to you.

If you decide to answer questions now without a
lawyer present you will still have the right to
stop answering at any time until you talk to a
lawyer. In other words you could start talking to
me now and in five-minutes, from now you decided
you don't want to talk you can just end it anytime
you want.

And I'm just going to write here. I, Andrea
Walker, have read, I'm going to have you read
them. I understand the rights explained to me by
Detective O'Brien, which is my name. And that is
Officer Harbor one of the arresting Officers that
pulled over your car -- not your car,
Mr. Charley's car.

And I'm just going to have you read the rights
yourself, put your initials if you understand them
or if you want me to read them again and then sign
your name down here. Okay?

MS. WALKER: Mm-hm.

DET. O'BRIEN: Andrea, is that your true name?

MS. WALKER: Yeah.

DET. O'BRIEN: Okay. You're not - it's not your alias?

MS. WALKER: No.

DET. O'BRIEN: Okay. Just take your time. Read each right and

put the initials. If you don't, understand you can ask me or Officer Harbor any questions.

(Witness reading rights to herself.)

DET. O'BRIEN: And when we do ask you, questions you have to say yes or not in a loud clear voice.

MS. WALKER: (Witness reading rights to herself.)

DET. O'BRIEN: If you don't like the way the questioning's going you can stop any time you want.

MS. WALKER: What if I don't like the way you walk?

DET. O'BRIEN: Well, if I call you Potsie will you like me?

MS. WALKER: (Laughs.) Yeah.

DET. O'BRIEN: If I say hey Potsie, you'll say hey. That's it.

MS. WALKER: Yeah. That's enough, my name's Andrea Walker.

DET. O'BRIEN: Okay. Thank you. We'll have Officer Harbor just sign here where it's witnessed.

Okay. Concerning I'd like to find out how you ended up here. First of all, you said you were going to a birthday party?

MS. WALKER: Mm-hm.

DET. O'BRIEN: Do you know whose birthday party it was?

MS. WALKER: Um, I don't remember by name but I was introduced to her after I told her happy birthday.

DET. O'BRIEN: All right so you were going to - and where was it?

MS. WALKER: Nanosha, Natasha?

DET. O'BRIEN: Natasha? Where -

MS. WALKER: Something like that.

DET. O'BRIEN: Okay.

MS. WALKER: But I was introduced to her -

DET. O'BRIEN: Tonight?

MS. WALKER: And she thanked us for coming to her party and everything.

DET. O'BRIEN: All right. So and where was the party held?

MS. WALKER: Flanagan's.

DET. O'BRIEN: All-right.

MS. WALKER: Huntington Ave.

DET. O'BRIEN: On Huntington Ave. And who did you go there with?

MS. WALKER: Earl -

DET. O'BRIEN: And do you - how you go?

MS. WALKER: - and Anthony.

DET. O'BRIEN: Earl and Anthony.

MS. WALKER: And Cicely.

DET. O'BRIEN: Cicely and you. Now when prior to getting to the club, where did Mr. Charley, Earl and Anthony, where did they pick you up?

MS. WALKER: 18 Baker Ave. where I live.

DET. O'BRIEN: They picked you up at 18 Baker Ave.?

MS. WALKER: Yes.

DET. O'BRIEN: When they picked you up who was in the car already?

MS. WALKER: Everybody except me. I was the last one.

DET. O'BRIEN: You were the last one picked up. Who was sitting

- who was driving the car?

MS. WALKER: Earl.

DET. O'BRIEN: Earl was driving the car. Who was in the front seat with Earl?

MS. WALKER: Cicely.

DET. O'BRIEN: Cicely, and you got into the back seat?

MS. WALKER: Yeah.

DET. O'BRIEN: Where did you seat - sit? Behind the driver or did -

MS. WALKER: Behind the passenger.

DET. O'BRIEN: Behind Cicely?

MS. WALKER: Yes.

DET. O'BRIEN: And Anthony sat behind Earl?

MS. WALKER: Yes.

DET. O'BRIEN: Okay. What time did they pick you up about, if you know?

MS. WALKER: It was after ten something because I walked to the store before they came.

DET. O'BRIEN: So sometime after 10:00 at night -

MS. WALKER: Yeah.

DET. O'BRIEN: - they picked you up?

MS. WALKER: Yeah. Because I walked to the store.

DET. O'BRIEN: And you drove to Pat Flanagan's or Mr. Charley, Earl Charley drove you to Pat Flanagan's. Where did he park? Was he in front of Pat Flanagan's when he parked or was he across the street from

Pat Flanagan's?

MS. WALKER: Across the street, across another street.

DET. O'BRIEN: All right. So he's across -

MS. WALKER: Across the street near the street at the right here.

DET. O'BRIEN: All right. So if - when he parked the car and you looked out, Flanagan's was across the street?

MS. WALKER: If you looked out of the car window?

DET. O'BRIEN: Say you're sitting in the car, you just pulled up in the car, Pat Flanagan's is on the opposite side of the street?

MS. WALKER: Over here there's a street that goes that way, you cross over that street and there's Flanagan's there.

DET. O'BRIEN: All right. So you had to cr - but he was parked on Huntington Ave.?

MS. WALKER: Yes.

DET. O'BRIEN: And was the car facing Pat Flanagan's?

MS. WALKER: (No response.)

DET. O'BRIEN: You have to say yes or no.

MS. WALKER: Yes.

DET. O'BRIEN: All right so he's parked on Huntington Ave. facing Flanagan's, just up from Flanagan's but when you got out of the car you walked across the street and then crossed over to the other side?

MS. WALKER: Yes.

DET. O'BRIEN: You have to say it loudly.

MS. WALKER: Yes.

DET. O'BRIEN: Okay. And when you left Pat Flanagan's, how long were you in Pat Flanagan's do you think?

MS. WALKER: I have no idea.

DET. O'BRIEN: Was it an hour?

MS. WALKER: Yeah.

DET. O'BRIEN: More than two-hours?

MS. WALKER: (No response.)

DET. O'BRIEN: Well, how many drinks did you have in there?

MS. WALKER: Two beers.

DET. O'BRIEN: Two beers? So right now as I'm talking to you, you understand your rights like I said. Alcohol doesn't affect you? So you're not too drunk -

MS. WALKER: No. I'm tired and I'm mad and I've been chained to a chair.

DET. O'BRIEN: All right. Well, you're not chained now.

MS. WALKER: (Laughs.)

DET. O'BRIEN: All-right? So when you left Pat Flanagan's you all left together?

MS. WALKER: Yes.

DET. O'BRIEN: And when you leave Pat Flanagan's to go out the door you have to go across the other side of the street, yes or no.

MS. WALKER: Yes.

DET. O'BRIEN: And when you cross the other side of the street,

the other side of Huntington Ave., you walked down Huntington Ave. you have to cross over a street and the car was right there?

MS. WALKER: Yes.

DET. O'BRIEN: But you're still on the opposite side of the street?

MS. WALKER: Yes.

DET. O'BRIEN: Okay. When you - the police pulled you over -

MS. WALKER: Is there a reason for this questioning?

DET. O'BRIEN: Yes. The reason is we want to find out if you had anything to do with the firearm?

MS. WALKER: Well -

DET. O'BRIEN: I'm asking you.

MS. WALKER: And this will tell you that?

DET. O'BRIEN: This will tell me if everybody is telling the truth about what happened. You know what I'm saying? It will let me - I've already talked to Anthony and I believe he told me the truth. I've talked to Earl. I believe he's told me the truth. I'm talking to you right now and I believe everything you say is probably the truth. And the only way I know is if everybody - you know what I'm saying?

MS. WALKER: Okay. All right. I follow you.

DET. O'BRIEN: All right? And I'm -

MS. WALKER: Yeah.

DET. O'BRIEN: That's what I'm asking, did you ever see the firearm in the car?

MS. WALKER: Never.

DET. O'BRIEN: No? Did you ever see the marijuana that was in the car?

MS. WALKER: Never. I wanted a joint. (Laughs.)

DET. O'BRIEN: You wanted a joint? Did you smoke anytime in the car?

MS. WALKER: No, never.

DET. O'BRIEN: Did you ever smell marijuana in the car?

MS. WALKER: No, did you?

DET. O'BRIEN: I wasn't there.

MS. WALKER: Oh.

DET. O'BRIEN: You'd have to ask him.

MS. WALKER: You were. You didn't smell nothing in that damn car.

DET. O'BRIEN: Well that's - I don't want to go into it what actually happened to him.

MS. WALKER: He know, he was there. He didn't smell nothing in that car. There was nothing burning in that car.

DET. O'BRIEN: No. I'm not saying burning -

MS. WALKER: We didn't smoked cigarettes in that car.

DET. O'BRIEN: All right. So you're saying only cigarette smoke?

MS. WALKER: No. We didn't even smoke cigarettes. He don't allow cigarette smoking in his car.

DET. O'BRIEN: He doesn't?

MS. WALKER: No.

DET. O'BRIEN: Okay. So you leave Pat Flanagan's. You go across the street on the opposite side, I think that you walked down and you crossed off a little side street on that same side, you get in the car.

MS. WALKER: Right.

DET. O'BRIEN: Now when you get back into the car did you go - where did you sit this time?

MS. WALKER: In the front.

DET. O'BRIEN: You sat in the front?

MS. WALKER: Yes.

DET. O'BRIEN: And who was driving now?

MS. WALKER: Earl.

DET. O'BRIEN: Earl. And who is sitting behind Earl this time? Was it Anthony or Cicely?

MS. WALKER: Anthony.

DET. O'BRIEN: And then Cicely's behind you?

MS. WALKER: Right. Me and her switched places.

DET. O'BRIEN: Okay.

MS. WALKER: Only because I got to the car before her.

DET. O'BRIEN: Okay. Now how long did it take from the time that Earl pulled out of that parking spot when you were leaving Flanagan's, did it take for the police to pull you over?

MS. WALKER: (Laughs.)

DET. O'BRIEN: Well, how fast would you say? I mean, just I want

to know, a minute, five-minutes, thirty-seconds?

What do you think? How quick was it?

MS. WALKER: Just the time it took us to turn that corner, go up the street. Three minutes maybe?

DET. O'BRIEN: So as soon as you made the u-turn?

MS. WALKER: No, no, not soon as we made the u-turn.

DET. O'BRIEN: How long after you made the u-turn did they pull you over?

MS. WALKER: I'm not sure. I couldn't say.

DET. O'BRIEN: All right.

MS. WALKER: But it is not soon as maybe we turned because we had to go back down Huntington Ave. and then turn onto Tremont Street.

DET. O'BRIEN: Oh, wait a second. All right so your - your car's facing Flanagan's so you had to reverse directions? At the time they pulled you over you were already back on Tremont Street?

MS. WALKER: We were on Tremont Street when they pulled us over.

DET. O'BRIEN: All-right. So you have - I just want to get this clear to get the time frame right. You get in the car, now you two, switched places. You've never seen a -

MS. WALKER: No. We didn't switch places when we got in the car. I got in one seat. She got in the other.

DET. O'BRIEN: No. I mean, you switched from the way you got

MS. WALKER: Okay.

DET. O'BRIEN: That's what I meant.

MS. WALKER: All right.

DET. O'BRIEN: So you get in the car, Earl's still driving, he reverses directions on Huntington Ave.

MS. WALKER: I don't even remember how he did it.

DET. O'BRIEN: But now you're not - you're going away from Flanagan's. You didn't drive by Flanagan's.

MS. WALKER: Not - not that I know of. I don't remember how he did it. I was busy talking.

DET. O'BRIEN: From whatever way it is the car -

MS. WALKER: He could of turned down in street and backed up and went down another.

DET. O'BRIEN: All right.

MS. WALKER: I couldn't tell you. I don't remember.

DET. O'BRIEN: So whatever way you did, you got pulled over on Tremont Street?

MS. WALKER: Right.

DET. O'BRIEN: Which is not at Flanagan's, it's the other way?

MS. WALKER: Right.

DET. O'BRIEN: But you don't know how he did it, if he did a u-turn, or, right-turn?

MS. WALKER: No.

DET. O'BRIEN: Okay.

MS. WALKER: I was busy talking.

DET. O'BRIEN: All right but when you were parked that car was on Huntington Ave. the opposite side of the street facing towards -

MS. WALKER: To the best of my recollection, yes.

DET. O'BRIEN: And it was facing towards Flanagan's?

MS. WALKER: To the best of my recollection, yeah.

DET. O'BRIEN: Okay. And I'm just going to conclude this now by saying, you have no knowledge of the marijuana or the firearm in the car?

MS. WALKER: No.

DET. O'BRIEN: And you never saw him possess a firearm?

MS. WALKER: No.

DET. O'BRIEN: Meaning Anthony, Earl or -

MS. WALKER: No.

DET. O'BRIEN: Okay. Is there anything you'd like to add?

MS. WALKER: No.

DET. O'BRIEN: Okay. All right. Conclude the interview and you're going to be free to leave.

MS. WALKER: Thank you.

DET. O'BRIEN: All right? Potsie.

MS. WALKER: (Laughs.) You --

(Whereupon, the interview was concluded.)